

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

10 LARRY J. WEBSTER,) No. CIV S-93-0306 LKK DAD DP
11 Petitioner,) **DEATH PENALTY CASE**
12 vs.)
13 ROBERT L. AYERS,) **SECOND REVISED SCHEDULING ORDER**
14 Warden of the California State Prison)
15 at San Quentin,)
16 Respondent.)
17 _____)

18 This capital habeas action came before the Court on August 13, 2008, for a status
19 conference. James S. Thomson and Timothy J. Foley appeared on behalf of petitioner. Deputy
20 Attorney General Catherine Chatman appeared on behalf of respondent.

21 Having considered the written materials submitted in connection with the status
22 conference, and after hearing from the parties, and good cause appearing, the schedule regarding
23 the claims for which an evidentiary hearing was granted is hereby revised as follows:

- 24 1. Briefing and evidentiary submission having been completed, the ineffective
25 assistance of counsel at penalty phase claim is submitted for decision.
- 26 2. With regard to the appellate process claim:
 - 27 A. Respondent shall file any opposition or objections to the petitioner's
28 witnesses, declarations and exhibits by September 8, 2008.

- B. Depositions of the witnesses shall be completed by November 3, 2008.
- C. An evidentiary hearing, should in-court testimony be required on this claim, is set for December 10, 2008, at 9:00.
- D. The previously set date for the evidentiary hearing, October 15, 2008, is vacated.

2. A status conference is set for November 5, 2008, at 9:00. At that status conference, the parties should discuss the general progress of the case, any problems with the evidentiary presentation, possible briefing schedules, possible bifurcation of the claims, and the progress of the no narrowing claim.

IT IS SO ORDERED.

DATED: August 13, 2008.

Dale A. Drozd
DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

Ddad1/orders.capital/webster0306.schedord.revised

submitted by:

DANIEL J. BRODERICK, State Bar No. 89424
Federal Defender

/s/ Timothy J. Foley

TIMOTHY J. FOLEY, State Bar No. 111558
Assistant Federal Defender
801 I Street, 3rd Floor
Sacramento, California 95814
(916) 498-6666

JAMES S. THOMSON, State Bar No. 79658
819 Delaware Street
Berkeley, California 94710
(510) 525-9123

Attorneys for Petitioner